No. 80-2078
IN THE

Supreme Court of the United States

October Term, 1980

DAMES & MOORE, a partnership,

Petitioner,

vs.

DONALD T. REGAN, THE SECRETARY OF THE TREASURY OF THE UNITED STATES OF AMERICA, and THE UNITED STATES OF AMERICA,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT BEFORE JUDGMENT

JOINT APPENDIX.

C. STEPHEN HOWARD,
Counsel of Record,
MERLIN W. CALL,
RAYMOND C. FISHER,
MILES N. RUTHBERG,
WILLIAM C. SCHWEINFURTH,
JEFFREY M. HAMERLING,
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609 South Grand Avenue,
Los Angeles, Calif. 90017
(213) 683-0600,
Attorneys for Petitioner, Dames & Moore,

Of Counsel:
STANLEY C. FICKLE,
Indiana University School of Law,
Bloomington, Indiana 47401,
(812) 337-7272.

PETITION FOR CERTIORARI BEFORE JUDGMENT FILED JUNE 10, 1981.

PETITION FOR CERTIORARI BEFORE JUDGMENT GRANTED JUNE 11, 1981.

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APPENDIX

I.

Docket Entries in the United States District Court for the Central District of California in *Dames & Moore v. Donald T. Regan*, No. CV 81-2064 LEW (Px)* ..... App. p. 1

II.

Notice of Motion and Motion for Preliminary Injunction, filed April 28, 1981, in *Dames & Moore v. Donald T. Regan*, No. CV 81-2064 LEW (Px) 4

*As of this date, there are no docket entries in the United States Court of Appeals for the Ninth Circuit in *Dames & Moore v. Donald T. Regan*, No. 81-5450.

No. 80-2078

IN THE

Supreme Court of the United States

October Term, 1980

DAMES & MOORE, a partnership,

Petitioner,

vs.

DONALD T. REGAN, THE SECRETARY OF THE TREASURY OF THE UNITED STATES OF AMERICA, and THE UNITED STATES OF AMERICA,

Respondents.

Docket Entries in the United States District Court for the Central District of California in *Dames & Moore v. Donald T. Regan*, No. CV 81-2064 LEW (Px).

Dames & Moore, a partnership, Plaintiffs vs. Donald T. Regan, The Secretary of the Treasury of the United States of America, and The United States of America, Defendants.

Cause: Complt for Injunctive and Declaratory Relief.

Attorneys: Tuttle & Taylor, Jeffrey M. Hamerling, 609 So. Grand Avenue, Los Angeles, Calif. 90017, (213) 683-0600.

DATE	NR.	PROCEEDINGS
04/28/81	jcd	1. Fld Complt. Issd Summs. Case may be ref to Mag Geffen for dscvry.
4/29/81	lp	2. Fld pltf notc of mot & mot for prel inj; memo of P/A. 3. Fld ORD that the instant action sh be consolidated with CV81-1101 LEW(Px) & that pltf's mot for a prel inj stands submitted after filng the briefs in 81-1101.
4/29/81	lp	4. Fld pltf notc of mot & mot for prel inj; memo of P/A, retrnbl on 6/14/81 at 9am.
4/29/81	lp	5. Fld pltf ex parte applic for ord consolidating cases & Ord shortening tim for not of hrng on prel inj, declartn of Jeffrey M. Hamerling. 6. Fld pltf exhbts to memo of Dames & Moore in support of mot for prel inj.
4/30/81	cm	7. Fld ORD(LEW,MRP) transfrng actn to Laughlin E. Waters for all fur procedngs. Case may be referred to magistrate Penne for disc. Parties notfd.
5-8-81	sb	8. Fld pltf's declar of serv
5/13/81	lp	LODGED deft proposed re dismi of pltf's claims.PLAC IN FIL, NOT USED.
5/11/81	lp	9. Fld pltf reply memo of Dames & Moore to amicus curiae memo of certain Bank defts
5/13/81	lp	10. Fld defts memo in supprt of defts' mot to dism & in oppositn to Dames & Moore's brief as Amicus Curiae.
5/13/81	lp	11. Fld defts mot to dism Dames & Moore's complnt for failure to stat a claim upon wh relief may be grnted.
5/13/81	lp	12. Fld deft notc of mot to dism, retrnbl on 6/15/81 at 9am.
5/13/81	lp	13. Fld defts mot to dism Dames & Moore's complnt for failure to stat a claim upon relief may be granted.
5/13/81	lp	14. Fld deft U.S.'s oppositn to Dames & Moore's mot for prel inj, retrnbl on 5/14/81 at 9am.
5/14/81	lp	15. Fld pltf reply memo of pltf to supplemental amicus curiae memo of certain bank defts & memo in supprt of mot to dism of USA.
5-28-81	yd	16. Fld ORD that pltfs motns for prelim injunctn are DENIED. Defts' motns to dism are GRANTED. Cmplnt of Daniel, Mann, Johnson & Mendenhall & Dames & Moore is dismd for failure to state a clm upon which relief may be granted. (ENT 6-2-81) Mld cpys & Notc MD JS 6
*4/28/81	lp	LODGED proposed pltf ord re prel inj. PLAC IN FIL NOT USED.

DATE	NR.	PROCEEDINGS
6/3/81	am	17. Fld pltf's NOTC OF APPEAL to 9th Cir C/A frm Judgmt ent 6/2/81. $70.00 fldng & docket fees pd.
6/8/81	cm	18. Fld ORD(LEW) restraing dfts frm certain actns durng pendncy of appeal. (ENT 6/8/81) mld notc of ent to prties.
6-8-81	yd	19. Fld ORD DENYING modififyng Ord entrd 6-2-81 so that vacatng of attachmnts in CV79-4918 LEW & CV80-277 LEW is stayed only thru 6-15-81. (Stip to hve been made in CV79-4918) (ENT 6-8-81) Mld Notc
6-8-81	yd	20. Fld Memo that Crt's ORD fld 5-28-81, entrd 6-2-81 to ext that if related to CV81-2064-LEW (Px) was made on basis of argumnts presented by Govt. in its motn to dism Dames & Moore's cmplnt for failure to state clm upon which relief may be granted & in Govt's memo in suppt of deft's motn to dism & in opp to Dame & Moore's brief as Amicus Curiae (ENT 6-8-81) Mld cpy & Notc
6-8-81	yd	21. Fld ORD that during pendency of appeal in CV81-2064-LEW (Px) defts are retrained fr transferrng or requirng any other person to transfer fr their present locatns, any property or assets of Govt. of Iran or any of its agencies, instrumentalities, controlled entities or persons or affiliates which is subj to any writ of attachmnt, garnishmnt, jdmnt, levy or other judicial lien, issd by this Crt or any other Crt in favr of Dames & Moore (ENT 6-8-81) Mld Notc

Notice of Motion and Motion for Preliminary Injunction; Memorandum of Points and Authorities. Date: May 14, 1981. Time: 9:00 a.m.

United States District Court, Central District of California.

Dames & Moore, Plaintiff, v. Donald T. Regan, The Secretary of the Treasury of the United States of America, and The United States of America, Defendants. Case No. 81-2064.

TO: ALL PARTIES AND THE UNITED STATES ATTORNEY AND THE ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA:

PLEASE TAKE NOTICE that on Thursday, May 14, 1981, at the hour of 9:00 a.m., or as soon thereafter as the matter may be heard in the above-entitled Court, located at 312 North Spring Street, Los Angeles, California, Plaintiff will and does hereby move the Court for a preliminary injunction restraining defendants during the pendency of this proceeding from taking any action to nullify, interfere with, or abrogate:

(a) The final judgment entered by this Court on February 18, 1981, in *Dames & Moore v. Atomic Energy Organization of Iran et al.*, (CV 79-04918 LEW (Px)); and/or

(b) Plaintiff's attempts to execute on that final judgment, including, but not limited to those which have commenced in the State of Washington; and/or

(c) Plaintiff's prejudgment attachments against property of defendants in *Dames & Moore v. Atomic Energy Organization of Iran et al.* (CV 79-04918 LEW (Px)); and/or

(d) Plaintiff's right to continue to enforce and prosecute its claims against those defendants against those defendants against which no judgment has been obtained in *Dames*

& Moore v. Atomic Energy Organization of Iran et al. (CV 79-04918 LEW (Px)).

This Motion is based upon this Notice, the documents filed and served herewith, the file, documents and all evidence, oral or written, as may be presented at hearing.

Dated: April 27, 1981.

Respectfully submitted,
TUTTLE & TAYLOR Incorporated
MERLIN W. CALL
C. STEPHEN HOWARD
WILLIAM C. SCHWEINFURTH
JEFFREY M. HAMERLING
/s/ Jeffrey M. Hamerling
Jeffrey M. Hamerling, a member of
the law firm of TUTTLE & TAYLOR
Incorporated, Attorneys for
Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff Dames & Moore herein incorporates by reference and attaches hereto as Exhibit A the MEMORANDUM OF DAMES & MOORE, AMICUS CURIAE, IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION in *Daniel, Mann, Johnson & Mendenhall v. Donald T. Regan, and The United States of America*, Case No. CV 81-1101 LEW (Px). Dames & Moore also incorporates by reference its verified complaint in this action.

For the reasons set forth in the attached memorandum and the verified complaint, Dames & Moore respectfully requests that the Court issue a preliminary injunction.

Dated: April 27, 1981.

Respectfully submitted,

TUTTLE & TAYLOR Incorporated
MERLIN W. CALL
C. STEPHEN HOWARD
WILLIAM C. SCHWEINFURTH
JEFFREY M. HAMERLING
/s/ Jeffrey M. Hamerling
Jeffrey M. Hamerling, a member of
the law firm of TUTTLE & TAYLOR
Incorporated, Attorneys for
Plaintiff

DECLARATION OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 609 South Grand Avenue, Los Angeles, California 90017.

On April 28, 1981, I served the foregoing document described as NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES on the parties in this action by causing a true copy thereof to be delivered by Federal Express Courier Service to the offices of:

William Black, Esq.
Department of Justice-Civil Division
Room 3338
9th & Pacific Avenue, N.W.
Washington, D.C. 20530

and by causing a true copy thereof to be delivered to the offices of:

Dzintra I. Janavs, Esq.
Assistant United States Attorney
1100 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

Executed on April 28, 1981, at Los Angeles, California.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Delilah A. Phiefer
Delilah A. Phiefer